

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Figure 6 is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. The drawing Figure 6 has been amended.

The specific changes which have been made to Figure 6 are to provide a formal copy of Figure 6. Applicant respectfully submits that the line weights of Figure 6 are sufficient.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The specification has been amended on pages 9, 11, 16, and 20-22

Claims 31-51, 54, and 55 have been canceled without prejudice or disclaimer.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30, 52, and 53 are now pending in this application.

Election

Applicant hereby affirms the oral election of May 14, 2009.

Drawing Objection

The drawings are objected to for containing an informality. Applicant respectfully submits that the amendments to the drawings render this objection moot. Reconsideration and withdrawal of this objection is respectfully requested.

Objections to the Specification

The specification is objected to for containing informalities. Applicant respectfully submits that the amendments to the specification render these objections moot.

In regard to the objection to the language on page 11, line 11, of the specification, Applicant respectfully submits that this language is accurate.

Reconsideration and withdrawal of these objections is respectfully requested.

Claim Objections

Claims 21, 22, and 27 are objected to for containing informalities. Applicant respectfully submits that the amendments to the claims render these objections moot. Reconsideration and withdrawal of these objections is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-3, 9, 12-19, 24-26, and 52 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 62-055217 to Honda *et al.* (hereafter “Honda”) in view of U.S. Patent No. 2,156,317 to Smith, Jr. *et al.* (hereafter “Smith”). This rejection is respectfully traversed.

Honda discloses an air temperature control device. See abstract of Honda. The Office states on pages 7-8 of the Office Action that the device of Honda modulates a flow rate of coolant with a control valve 5.

However, as suggested on page 8 of the Office Action, the device of Honda does not automatically determining a temperature difference between the temperature of coolant at a first flow rate before the coolant enters a heater core and a temperature of air exiting the heater core, as recited in claim 1. Claim 52 includes similar language.

Nor does Honda disclose or suggest automatically increasing the flow rate of the coolant to a second flow rate higher than the first flow rate with an auxiliary pump if the temperature difference is greater than a first predetermined temperature difference, as recited in claims 1 and 52. Instead, the device of Honda controls coolant flow with a valve 5, not an auxiliary pump, as recited in claims 1 and 52.

Applicant notes that the use of an auxiliary pump, as recited in claims 1 and 52, permits a process or device to control a flow rate without dependence on engine parameters as conventional devices do, as recited in paragraphs 0001 and 0002 of Applicant’s specification.

Smith discloses an air conditioning control system that includes a continuous coil of pipe 3, a cooler R, and a pump 15. See Smith at col. 2, lines 49-53, and col. 4, lines 15-34.

Smith discloses that the rate of flow of water through the coil 3 can be changed by varying the speed of the pump 15. See Smith at col. 4, lines 26-29.

However, Smith does not disclose or suggest automatically increasing the flow rate of the coolant to a second flow rate higher than the first flow rate with an auxiliary pump if the temperature difference is greater than a first predetermined temperature difference, as recited in claims 1 and 52. Instead, Smith only discloses that the speed of the pump 15 can be varied to change the rate of flow of water through the coil 3. Smith does not disclose or suggest varying the speed of the pump 15 on the basis of a temperature difference being greater than a first predetermined temperature difference, as recited in claims 1 and 52.

For at least the reasons discussed above, the combination of Honda and Smith does not render claims 1-3, 9, 12-19, 24-26, and 52 to be unpatentable because Honda and Smith do not disclose or suggest all of the features of claims 1 and 52.

Allowable Subject Matter

Applicant gratefully acknowledges the indication that claims 4-8, 10, 11, 20-23, 27-30, and 53 contain allowable subject matter. Claims 4, 10, and 20 have been amended to be placed in independent form.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect

information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

OCT 26 2009

Date _____

By  _____

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